IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

Crl.MC.No. 1275 of 1997()

CC.338/1995 of JUDL. MAGI. OF FIRST CLASS-I (FOREST OFFENCES), THODUPUZHA

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PETITIONERS:

C.N.MOHANAN, S/O.SHRI NARAYANAN,
CHANAPLAICKAL HOUSE,
KUTTAMPUZHA VILLAGE,
DEVIKULAM TALUK,
VELLARAMKUNNU,
IDUKKI DISTRICT.

BY ADV. SRI.K.P.KYLASANATHA PILLAI
SRI.P.SREEKUMAR

RESPONDENTS:

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1. STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. RANGE OFFICER, KUTTAMPUZHA RANGE,
MALAYATTOOR DIVISION,
IDUKKI DISTRICT.

3. JUDICIAL IST CLASS MAGISTRATE-1,
THODUPUZHA,
IDUKKI DISTRICT.

BY PUBLIC PROSECUTOR, SRI.C.K.SURESH

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.M.C.No.1275 of 1997

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Dated this the 25th day of June, 2007

O R D E R

The petitioner is accused in C.C.No.233/1996, 234/1996, 256/1995, 338/1995 and 427/1996 with respect to the offences punishable under Section 27(1) of the Forest Act. It is the contention of the petitioner that he is a tribal residing in Vellaramkuthu tribal settlement and that area wherein the alleged offences have been committed, is not forest land but revenue puramboke, as per the resurvey records.

2. In the circumstances, the court below, in case the above matters are still pending, is directed to adjudicate this aspect as a preliminary issue. The petitioner/accused is exempted from appearance till then. The petitioner is directed to see that he is represented by counsel and file the required application with notice to the Assistant Public Prosecutor within one month from today.

Crl.M.C is disposed of, as above.

K.R.UDAYABHANU,
Judge

ms

K.R.UDAYABHANU, J.

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Crl.M.C.No.1275 of 1997

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O R D E R

25th June, 2007